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March 22, 2017

Ms. Jessica R. Pearson
Executive Officer
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814

e-mail: jpearson@deltacouncil.ca.gov

Dear Ms. Pearson,

The Antelope Valley-East Kern Water Agency (AVEK) is following the Delta Stewardship Council's (Council's) development of Delta Plan Amendment for Water Conveyance and System Storage. In addition we have also followed the proposed refinements to the Performance Measures (PMs) in the Delta Plan. This letter provides comments on both. Primarily, we recommend that the Delta Stewardship Council define *reduced reliance* to include improved regional self-reliance and amend the corresponding performance measure accordingly.

As background, AVEK has and continues to make significant investments in our local and regional water supplies by developing regional water banking facilities, as well as other measures such as conservation, water use efficiency, recycling, investing in new technologies, and regional planning. The recent final judgment and physical solution outlined in the Antelope Valley Groundwater Adjudication case relies on imported water to meet future groundwater sustainability goals. The Antelope Valley region's future water supply needs and economy are projected to continue to grow. It is important to recognize, however, that improving regional self-reliance by groundwater banking may not reduce the amount of or percentage of SWP Supplies needed by AVEK in the future.

Accordingly, we strongly encourage you to clarify *reduced reliance* and the associated performance measure (PM) to expressly include improved regional self-reliance through continued investment in groundwater banking, conservation, water use efficiency, recycling new technologies, and improved regional planning, consistent with the language of Water code Section 85021:

The policy of the State of California is to reduce reliance on the Delta in meeting California's future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency. Each region that depends on water from the Delta watershed shall improve its regional self-reliance for water through investment in water use efficiency, water recycling, advanced water technologies, local and regional water supply projects, and improved regional coordination of local and regional water supply efforts.

In addition, the Council has defined achieving the coequal goals to include reduced reliance by each region that uses water from the Delta watershed “improving, investing in, and implementing local and regional projects and programs that increase water conservation and efficiency, increase water recycling and use of advanced water technologies, expand storage, improve groundwater management, and enhance regional coordination of local and regional water supply development efforts.” (23 Cal. Code Regs., § 5001(h)(1)(B).) Indeed, the title of the Council’s policy is “WR P1. Reduce Reliance on the Delta through Improved Regional Water Self-Reliance.” (Delta Plan (2013), p. 102, emphasis added.)

Defining *reduced reliance* to include improved regional self-reliance is not only consistent with the Legislature’s reduced reliance policy for California, and the Council’s definition of achieving the coequal goals, it comports with the Urban Water Management Planning Act, which imposes the duty to plan to meet local demands on local agencies, not the state. This makes sense because water supplies, climate, hydrology, groundwater, infrastructure and water supply demands vary dramatically from place to place within California.

The Discussion Draft (page 4 at lines 34-37) states: “The operation of water-storage facilities (above and below the Delta) and Delta conveyance must be adaptively managed to address: changing climate conditions, the need to sustainably manage the State’s aquifers, and the need to promote regional self-reliance and reduced reliance on the Delta for water supplies.” This mischaracterizes the reduced reliance policy, which does not call for reducing reliance on the Delta alone, but calls for a reduction in “reliance on the Delta in meeting California’s future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency.” (Wat. Code, § 85021.) Accordingly, the Legislature has called upon “[e]ach region that depends on water from the Delta watershed [to] improve its regional self-reliance for water through investment in water use efficiency, water recycling, advanced water technologies, local and regional water supply projects, and improved regional coordination of local and regional water supply efforts.” (Ibid., emphasis added.) The Legislature’s reduced reliance policy acknowledges the reality that California’s future water supply needs are bound to grow over time, and it also calls upon each region that relies on water from the entire Delta watershed, not just regions that rely on water diverted from the Delta, to invest in the kinds of project that will reduce reliance by improving regional self-reliance. AVEK urges the Council to revise the text to ensure it is consistent with the express language of the Delta Reform Act.

We also recommend that the Council make a corresponding revision to performance measure, *PM 3.4: Demonstrate a measureable reduction in reliance on the Delta at the regional level based on individual water supplier reports*. PM 3.4 currently measures progress toward reduced reliance in terms of the average volume of total water use or average percent of total water use by hydrologic region. An approach measuring the regional progress and achievements rather than measuring the reduction of use on a supplier-by-supplier basis from a baseline year would more effectively measure one means of progressing toward reduced regional reliance through improved regional self-reliance. One key benefit of investing in local and regional projects is to lessen demand during dry years and take advantage of water available during wet years, which is consistent with the Council’s CSO discussion draft as well as the current Delta Plan. As noted above, the result may not be an average reduction in the amount of or percentage of water in every water supplier’s water supply portfolio; nevertheless, it is consistent with the Legislature’s express reduced reliance policy and the Council’s own definition of achieving the coequal goals.

We are interested in continuing to work with the Council staff and consultants as the process moves forward. If you have any questions about our comments, please call me at (661) 943-3201.

Sincerely,



Dwayne Chisam
General Manager
Antelope Valley-East Kern Water Agency